PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Satapathy et al	) Group Art Unit: 2155
	)
Serial No.: 10/005,493	) Confirmation No.: 7989
	)
Filed: 11/02/2001	) Examiner: Philip B. Tran
	)
For: Autonomous Eclone	) Attorney Docket: 1685(31838)

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APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of the Examiner dated November 14, 2005, rejecting claims 1-21.

REAL PARTY IN INTEREST

The real party in interest in the present appeal is Sprint Communications Company L.P., assignee of the entire right, title, and interest in the present application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-21.

Claims withdrawn: none.

The claims being appealed are: 1-21.

STATUS OF AMENDMENTS

No amendment was filed after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is an autonomous eclone that represents a user (e.g. subscriber) of a plurality of message media (e.g., telephone, voicemail, email, and video conferencing) wherein the autonomous eclone responds to incoming messages from a third person when the particular message media is unattended (e.g., the user is not answering the telephone or not logged on to their email server). Thus, the "message mediums" recited in the pending claims operate such that when the user is not responding

to the particular message medium then the third person can still direct an unattended message (e.g., email or a recorded voice message) to the user. In order to give the third person certain information they may be seeking without requiring user intervention (i.e., during the period that the message medium is unattended), a plurality of interface agents together with a database and an expert system relay an information result to the third person.

In particular, independent claim 1 relates to a system operable to represent a user of a plurality of message mediums and to independently respond to a person wishing to communicate with the user via an unattended one of the message mediums. The message mediums may include teleconferencing, video-conferencing, voice-mail, and e-mail (specification page 1, lines 10-26).

The invention recited in claim 1 employs a plurality of interface agents each coupled to a respective message medium and each operable to detect an unattended message received from the person (page 6, lines 8-20). The agents convert the unattended message into a written request (for email agent, see page 7, lines 12-17; for telephone agent, see page 8, lines 19-27; for voicemail agent, see page 9, lines 18-26; for video-conference agent, see page 10, line 26 to page 11, line 5). Following the processing described below, the agents relay a result to the person (see, e.g., page 7, lines 18-22, and page 8, line 27 to page 9, line 5).

A command creator is operable to convert the request into a database query (page 12, lines 8-12). An expert system is operable to modify the query by applying a collection of rules (page 12, line 26 to page 14, line 21). A database is operable to store information relating to the user (page 13, lines 3-6). An output action generator is operable to access the database, execute the query thereby generating the result based on the information in the database, and relay the result to the interface agents (page 14, lines 23-25).

Independent claim 9 recites the same primary elements of the autonomous

eclone system, and further recites an authenticator operable to match the identifier with one of a plurality of known records, thereby authenticating the person (page 11, line 23 to page 12, line 3) and a classifier operable to create, store, and retrieve a classification associated with each record (page 11, line 23 to page 12, line 7).

Independent claim 15 recites the same primary elements of the autonomous eclone system, and further recites that the interface agent is operable to detect an unattended spoken message received from the person (page 8, lines 8-9), convert the spoken message into a written request (page 8, lines 9-10), generate a voice signature based upon the spoken message (page 8, lines 10-13), append the request with an identifier (page 8, lines 21-26), and convert a result into a verbal response (page 8, line 27 to page 9, line 2).

Independent claim 17 recites a method corresponding to the autonomous eclone system. The method comprises detecting an unattended request from a person (page 6, lines 8-20), authenticating and classifying the person (page 11, line 23 to page 12, line 7), creating a database query based upon the request (page 12, lines 8-12), executing the query thereby receiving a result (page 14, lines 23-25), and relaying the result to the person (see, e.g., page 7, lines 18-22, and page 8, line 27 to page 9, line 5).

None of the claims contain either a means plus function or a step plus function element.

GROUNDS OF REJECTION TO BE REVIEWED

1. Whether claims 1-3, 6-8, 17, 18, and 21 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Saindon et al.

2. Whether claims 4, 5, 9-16, 19, and 20 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Saindon et al in view of Hasan.

ARGUMENT

1. Rejection of Claims 1-3, 6-8, 17, 18, and 21 under 35 USC 102(e) in View of Saindon

Claims 1-3 and 6-8

Claim 1 recites a system operable to represent a user of a plurality of message mediums and to independently respond to a person wishing to communicate with the user via an unattended one of said message mediums. The system includes a plurality of interface agents each coupled to a respective message medium and each operable to detect an unattended message received from the person, convert the unattended message into a written request, and relay a result to the person. A command creator converts the request into a database query and an expert system modifies the query by applying a collection of rules. A database stores information relating to the user and an output action generator accesses the database, executes the query thereby generating the result based on the information in the database, and relays the result to the interface agents. As a consequence of the recited structure, the invention autonomously provides an appropriate response to the unattended message so that the person can obtain desired information without waiting for the user to act.

Saindon relates to multimedia processing such as converting spoken audio into text. The cited reference lacks any teaching relevant to a plurality of messaging media wherein if a message medium used by a person wishing to communicate with the user is unattended by the user, then an interface agent operates on a message left by the person. Since Saindon fails to disclose all the limitations of claim 1, it fails to establish an anticipation.

In the Response to Arguments section of the Office Action mailed June 29, 2005, the "examiner notes that when a user participates in multi-tasking processes, then the user cannot be able to simultaneously accomplish two or more of the tasks and

therefore it is inherent that receive message is the unattended message at some intervals of time." The rejection does not differentiate between the user of the message mediums and a person wanting to communicate with the user. All of the claims of the present application refer to these two different individuals. For example, claim 1 involves receiving an unattended message from the person, querying a database storing information relating to the user, and relaying a result to the person. The examiner's comment reflects the failure of the rejection to take into account this messaging aspect involving both a person and a user.

The text-to-speech and speech-to-text capabilities of Saindon are applied to web-enabled systems which operate in real time. There is no disclosure in Saindon of a plurality of interface agents coupled to respective message mediums wherein the agents can detect an unattended message or convert the unattended message into a request. The rejection refers to columns 22 and 23 of Saindon concerning "interactive events" as showing a command creator. In an interactive event there is no unattended message to convert into a database query. Therefore, the disclosure of Saindon fails to disclose these claim elements.

The expert system recited in claim 1 modifies a database query. The Rob-Cop expert system of Saindon relied on in the rejection fails to disclose any modifications of a query into a database. Moreover, the rejection does not even relate the expert system function in columns 19 and 20 to the database query that it relies on for the recited command creator. In claim 1, the expert system operates on the database query created by the command creator. Saindon lacks any similar teaching.

The database of claim 1 stores information about the user of the message mediums. Saindon refers to information about a live presenter being stored in a database, but the presenter is not at all analogous to a user of a message medium who can receive a message while the medium is unattended.

Since Saindon fails to disclose all the claimed aspects of the invention, claim 1 and its dependent claims 2-8 are allowable, and the rejection should be reversed.

Claims 17, 18, and 21

The operative steps recited in claim 17 correspond to the actions performed by the structural elements recited in claim 1. For instance, claim 17 recites detection of an unattended message, a function which is performed by the interface agents recited in claim 1. Therefore, claim 17 and its dependent claims 18-21 are allowable for the same reasons discussed above.

2. Rejection of Claims 4, 5, 9-16, 19, and 20 Under 35 U.S.C. 103(a)

Claims 9-14

Regarding independent claim 9, the person wishing to communicate with the user is authenticated and classified using an authenticator and a classifier. Claim 9 also includes substantially the same limitations as claims 1 discussed above. As noted above, Saindon fails to teach or suggest the interface agents, command creator, expert system, or database. Hasan fails to correct for these deficiencies. Thus, claim 9 and its dependent claims 10-14 are allowable.

Claims 15 and 16

Independent claim 15 recites essentially the same limitations as claim 1. Since the elements discussed above regarding claim 1 are missing from Hasan, claims 15 and 16 are allowable for the same reasons.

CONCLUSION

The final rejection has failed to establish unpatentability of any of claims 1-21. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages that are achieved by the present invention. Accordingly, the rejection contained in the final rejection dated November 14, 2005, should be reversed.

Respectfully submitted,

Mark L. Mollon
Registration No. 31,123
Attorney for Appellant

Date: January 31, 2006
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
Tel: 734-542-0228
Fax: 734-542-9569

CLAIMS APPENDIX

Claims 1-21 now read as follows:

1. A system operable to represent a user of a plurality of message mediums and to independently respond to a person wishing to communicate with the user via an unattended one of said message mediums, the system comprising:

a plurality of interface agents each coupled to a respective message medium and each operable to detect an unattended message received from the person, convert the unattended message into a written request, and relay a result to the person;

a command creator operable to convert the request into a database query;

an expert system operable to modify the query by applying a collection of rules;

a database operable to store information relating to the user; and

an output action generator operable to access the database, execute the query thereby generating the result based on the information in the database, and relay the result to the interface agents.

2. The system as set forth in claim 1, at least one of the interface agents being further operable to convert the result into a synthesized speech response.

3. The system as set forth in claim 1, at least one of the interface agents being further operable to convert a spoken message into the written request.

4. The system as set forth in claim 3, at least one of the interface agents being further operable to generate a voice signature based upon the spoken message.

5. The system as set forth in claim 4, the system including an authenticator

operable to match the voice signature with one of a plurality of known records, thereby authenticating the person.

6. The system as set forth in claim 1, the system including a classifier operable to create, store, and retrieve a classification associated with one of a plurality of records.

7. The system as set forth in claim 1, the interface agents being selected from the group consisting of an email agent, a telephone agent, a voice-mail agent, and a video-conference agent.

8. The system as set forth in claim 1, the information stored in the database being selected from the group consisting of email, word processing documents, spreadsheets, presentations, schedules, contracts, drawings, figures, telephone numbers, dates, names, records, notes, files, images, addresses, and personal data about the user.

9. A system operable to represent a user of a plurality of message mediums and to independently respond to a person wishing to communicate with the user via an unattended one of said message mediums, the system comprising:

a plurality of interface agents each coupled to a respective message medium and each operable to detect an unattended message received from the person, convert the unattended message into a written request, append the request with an identifier, and relay a result to the person;

an authenticator operable to match the identifier with one of a plurality of known records, thereby authenticating the person;

a classifier operable to create, store, and retrieve a classification associated with each record;

a command creator operable to convert the request into a database query;

an expert system operable to modify the query by applying a collection of rules;

a database operable to store information relating to the user; and

an output action generator operable to access the database, execute the query thereby generating the result based on the information in the database, and relay the result to the interface agents.

10. The system as set forth in claim 9, at least one of the interface agents being further operable to convert the result into a synthesized speech response.

11. The system as set forth in claim 9, at least one of the interface agents being further operable to convert a spoken message into the written request.

12. The system as set forth in claim 11, at least one of the interface agents being further operable to generate a voice signature based upon the spoken message.

13. The system as set forth in claim 9, the interface agents being selected from the group consisting of an email agent, a telephone agent, a voice-mail agent, and a video-conference agent.

14. The system as set forth in claim 9, the information stored in the database being selected from the group consisting of email, word processing documents, spreadsheets, presentations, schedules, contracts, drawings, figures, telephone numbers, dates, names, records, notes, files, images, addresses, and personal data about the user.

15. A system operable to represent a user of a message medium and to independently respond to a message received from a person wishing to communicate with the user when the message medium is unattended by the user, the system comprising:

an interface agent operable to detect an unattended spoken message received from the person, convert the spoken message into a written request, generate a voice signature based upon the spoken message, append the request with an identifier, and convert a result into a verbal response;

an authenticator operable to match the identifier with one of a plurality of known records, thereby authenticating the person;

a classifier operable to create, store, and retrieve a classification associated with each record;

a command creator operable to convert the request into a database query;

an expert system operable to modify the query by applying a collection of rules;

an output action generator operable to execute the query generating and relaying the result to the interface agent; and

a database operable to store information which is accessed by the output action generator through executing the query.

16. The system as set forth in claim 15, the information stored in the database being selected from the group consisting of email, word processing documents, spreadsheets, presentations, schedules, contracts, drawings, figures, telephone numbers, dates, names, records, notes, files, images, addresses, and personal data about the user.

17. A method of representing a user of a message medium and independently responding to a message received from a person wishing to communicate with the user when the message medium is unattended by the user, the method comprising the steps of:

a) detecting an unattended request from a person;

b) authenticating and classifying the person;

c) creating a database query based upon the request;

d) executing the query thereby receiving a result; and

e) relaying the result to the person.

18. The method of claim 17, further comprises the step of modifying the query based upon a classification.

19. The method of claim 17, the step of detecting an unattended request from a person further including the steps of:
a) receiving a message from the person; and
b) appending the message with an identifier forming the request.

20. The method of claim 17, the step of detecting an unattended request from a person further including the steps of:
a) receiving a spoken sentence from the person;
b) converting the sentence into a written message; and
c) appending the message with an identifier forming the request.

21. The method of claim 17, the step of relaying the result to the person further including the steps of:
a) converting the result into a spoken response; and
b) playing the response for the person.

EVIDENCE APPENDIX

No evidence has been submitted under 37 CFR §§1.130, §§1.131, §§1.132, or otherwise.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings and no corresponding decisions rendered.
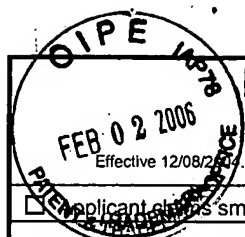
FEE TRANSMITTAL
For FY 2005
Effective 12/08/2004. Fee pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

☐ Applicant claims small entity status. See 37 CFR 1.27

Complete if known	
Application Number	10/005,493
Filing Date	11/02/2001
First Named Inventor	Satapathy et al.
Examiner Name	Philip B. Tran
Art Unit	2155
Attorney Docket No.	1685(31838)

TOTAL AMOUNT OF PAYMENT ($ 500.00)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):_____

☒ Deposit Account: Deposit Acct. Number:_____21-0765_____ Deposit Acct. Name: **Sprint Communication Company L.P.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below   ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17   ☐ Charge fee(s) indicated below, **except the filing fee** to the above-identified deposit

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION
1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

                  Small Entity

Fee Description	Fee ($)	Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims   Extra Claims   Fee ($)   Fee Paid ($)   **Multiple Dependent Claims**
_____ - 20 or HP = _____ x _____ = _____   Fee($)   Fee Paid ($)
HP = highest number of total claims paid for, if greater than 20

Indep. Claims   Extra Claims   Fee ($)   Fee Paid ($)
_____ - 3 or HP = _____ X _____ = _____
HP = highest number of total claims paid for, if greater than 3

3. APPLICATION SIZE FEE
If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets   Extra Sheets   Number of each additional 50 or fraction thereof   Fee ($)   Fee Paid ($)
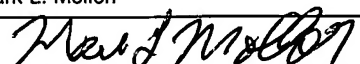_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)
Non-English Specification, $130 fee (no small entity discount)
Other: 1402 - 500.00 _____

SUBMITTED BY				(Complete (if applicable))
Name (Print/Type)	Mark L. Mollon	Registration No. (Attorney/Agent)	31,123	Telephone (734) 542-0900
Signature	*[signature]*		Date	January 31, 2006